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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/622,784  | 07/21/2003  | Kenji Utsunomiya     | 402716/SOGA         | 4261             |
| 23548   | 7590        | 04/19/2005           | EXAMINER            |                  |
| LEYDIG VOIT & MAYER, LTD<br>700 THIRTEENTH ST. NW<br>SUITE 300<br>WASHINGTON, DC 20005-3960 |             |                      | SALATA, ANTHONY J   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2837                |                  |

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/622,784 | <b>Applicant(s)</b><br>UTSUNOMIYA ET AL. |  |
|                              | <b>Examiner</b><br>Jonathan Salata   | <b>Art Unit</b><br>2837                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,8 is/are rejected.
- 7) ☒ Claim(s) 2,5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/1/04, 7/21/03</u> | 6) <input type="checkbox"/> Other: ____  |

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Washington, D.C. 20231

Paper No:04152005  
Application No:10/622784  
Filing Date: July 21,2003

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It should be brief but technically accurate and descriptive, preferably from two to seven words. See 37 CFR 1.72(a).
2. The drawings are objected to because the blank rectangular boxes and/or merely numbered boxes of figures 1,2,9,10 must be labeled. Conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). see 37 CFR 1.83(a). It is further pointed out that merely numbering the boxes is not considered an appropriate label. This allows identification of the drawing element without consulting the text of the specification. Correction is required.
3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is unclear and appears to provide no function. A signal is determined when the actuator is driven at rest and compared with another signal. No further output or structure is present.

Further, the terminology of comparing a vibration detected when the "inspection signal is output with a vibration directly obtained from the inspection signal", appears to state that the signal cause the vibration.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,4,6 are rejected under 35 U.S.C. 102(b) as being anticipated by Jamieson et al (5824976).

Jamieson et al teaches in figures 1-4, an elevator active guide fault sensor system.

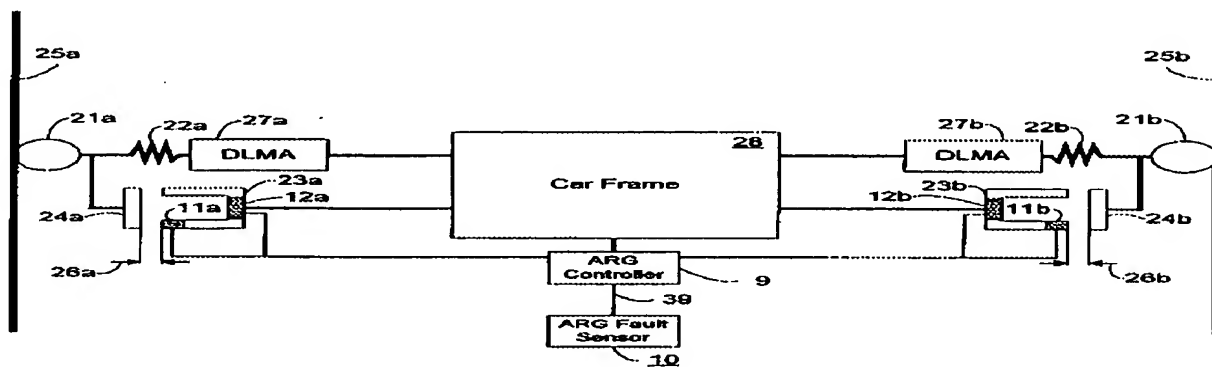


Fig. 1

- 1) A vibration magnet 23a,23b contains sensors 11a,11b which control actuators 27a,27b to center the car 28 in the shaftway horizontally. A detection sensor 10 compares the sensor values. If the values fall above a limit 51 the actuator is shut-off 52.

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4,6) Two sensors 11a,11b and shut-down stated as within a range (figure 2)

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 3 is rejected under 35 U.S.C. 102(a) as being anticipated by Yamazaki et al (JP 08333068 A).

Actuator 81 controlled by sensors 81-82 to reduce horizontal vibrations. Amplifier 91,93 amplify sensor output and a judging unit 98 determines a failure to turn off the control init 90a. Current detector 96 and current 95 are used in the comparison.

9. Claims 2, 5,7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The limitations of an abnormality counter shutting off the actuator upon a predetermined number of counts, is not shown or fairly suggested by the prior art of record

10. Claim 8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The inspection portion driving at rest and judging the sensor signal is not shown or fairly suggested by the prior art of record.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Martinelli, Husmann, Utunomiya, Uchiumi, Jamieson et al., Traktovenko et al., Kawabata and Kagami et al are cited to illustrate similar elevator active guide controllers.

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A shortened statutory period for response to this action is set to expire 3 months from the date of this letter.

Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Any inquiry of a **general nature** should be directed to the **Group receptionist** whose telephone number is **(571) 272-2800**.

Information regarding the **STATUS** of an application may be obtained from the **Patent Application Information Retrieval (PAIR)** system. Status information for published applications may be obtained from either private PAIR or public PARI. Status information for unpublished applications is available through Private PAIR ONLY. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Any questions on access to PAIR, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center located at Crystal Plaza 4. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). The Group 2800 Fax Center number is (703) 872-9306.

For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC)** whose telephone number is **800-786-9199**. Assistance is also available on the Internet at [www.uspto.gov](http://www.uspto.gov).

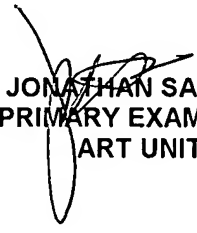
For requesting **copies** of Cited Art, Office Actions or the like, or General Problem solving, calls should be directed to the TC 2800 Customer Service Office whose telephone number is 703-306-3329 or by fax at 703-306-5515.

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Jonathan Salata** whose telephone number is **(571) 272-2073**. The examiner can normally be reached on Monday through Thursday from 7:30 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin, can be reached on (571) 272-2107.

ajs

April 15, 2005

  
JONATHAN SALATA  
PRIMARY EXAMINER  
ART UNIT 2837